Amendment Dated November 8, 2004 Responsive to the Office Action of May 6, 2004

Application No.: 10/082,705

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## **Listing of Claims:**

This Listing of Claims will replace all prior versions, and listings, of claims in the application:

- 1. (Currently Amended) An engineered osteochondral graft for promoting the growth of cartilage in a patient at a defect site in need of repair, comprising a matrix polymer block and a first population of MSCs mesenchymal stem cells, wherein said first population of MSCs mesenchymal stem cells are press-coated on a top surface of said matrix polymer block, and said first population of MSCs mesenchymal stem cells forms a cartilage layer on said top surface of said matrix polymer block.
- 2. (Currently Amended) The engineered osteochondral graft of **Claim 1**, wherein said matrix polymer is biodegradable.
- 3. (Currently Amended) The engineered osteochondral graft of Claim 2, wherein said matrix polymer is selected from the group consisting of demineralized bone matrix (DBM), biodegradable polymers, calcium-phosphates and hydroxyapatite.
- 4. (Currently Amended) The engineered osteochondral graft of Claim 3, wherein said matrix polymer is a porous polylactic acid.
- 5. (Original) The engineered osteochondral graft of Claim 4, wherein said porous polylactic acid is D,D-L,L-polylactic acid.
- 6. (Currently Amended) The engineered osteochondral graft of Claim 5, wherein said matrix polymer block is a D,D-L,L-polylactic acid polymer block of about 1x0.5x0.5 cm, said top-surface of said matrix polymer block is about 0.25 cm<sup>2</sup>, said first population of MSCs mesenchymal stem cells is about 1.5x10<sup>6</sup>, and said cartilage layer is about 1-1.5 mm thick.

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- 7. (Currently Amended) The engineered osteochondral graft of **Claim 1**, wherein said matrix polymer block has a shape compatible with said defect site.
- 8. (Currently Amended) The engineered osteochondral grafted of Claim 1, wherein said MSCs mesenchymal stem cells are isolated from a tissue selected from the group consisting of bone marrow, blood, periosteum, muscle, fat, bone and dermis.
- 9. (Currently Amended) The engineered osteochondral grafted of **Claim 8**, wherein said <del>MSCs</del> mesenchymal stem cells are isolated from bone marrow.
- 10. (Currently Amended) The engineered osteochondral graft of Claim 1, wherein said engineered osteochondral graft further comprises an osteoinductive growth factor in an amount sufficient enough to elicit osseointegration, wherein said osteoinductive growth factor is BMP-2.

## 11. Cancelled

- 12. (Currently Amended) The engineered osteochondral graft of Claim 1, wherein said engineered osteochondral graft further comprises a second population of MSCs mesenchymal stem cells which are loaded in the remaining volume of said matrix within a porous scaffold of said polymer block, and said second population of MSCs mesenchymal stem cells is in an amount sufficient enough to elicit osseointegration.
- 13. (Currently Amended) The engineered osteochondral graft of Claim 12 1, wherein said engineered osteochondral graft further comprises an osteoinductive growth factor in an amount sufficient to elicit osseointegration, wherein said osteoinductive growth factor is BMP-2.
- 14. (Original) The engineered osteochondral graft of Claim 13, wherein said osteoinductive growth factor is BMP-2.

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15-16. Cancelled.

17. (Currently Amended) A method of fabricating an osteochondral graft comprising the steps of contacting a top-surface of a matrix polymer block with a high-density pellet of a population of MSCs mesenchymal stem cells for a first period of time sufficient enough to form a cell-matrix cell-polymer structure, and culturing said cell-matrix cell-polymer structure in a chondrogenic differentiation medium for a second period of time sufficient enough to form a cartilage layer on said top-surface of said matrix polymer block, wherein said population of MSCs mesenchymal stem cells is an amount enough for the formation of said cartilage layer.

18-20. Cancelled.

- 21. (Currently Amended) The method of Claim 17, wherein said first population of  $\frac{MSCs}{mesenchymal\ stem\ cells}$  is about  $1.5 \times 10^6$  cells per  $0.25\ cm^2$  of said top surface area.
- 22. (Currently Amended) The method of Claim 17, wherein said matrix polymer block is a D,D-L,L-polylactic acid polymer block of about 1x0.5x0.5 cm, said top-surface is about 0.25 cm<sup>2</sup>, said population of MSCs mesenchymal stem cells is about 1.5.times.10<sup>6</sup>, said first period of time is about 3 hours, said second period of time is about 3 weeks, and said chondrogenic differentiation medium contains about 10 ng/ml TGF-β1.

23-28. Cancelled.